



# STATE OF WISCONSIN Assembly Journal

## Ninety-Eighth Regular Session

11:12 A.M.

TUESDAY, March 13, 2007

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Huebsch in the chair.

Representative J. Fitzgerald asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Representative Gronemus.

Representative Hubler led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Kramer, Kreuser, Krusick, F. Lasee, LeMahieu, Lothian, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Parisi, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Roth, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zipperer and Speaker Huebsch – 99.

Absent with leave – None.

Vacancies – None.

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### LEAVES OF ABSENCE

Representative Honadel asked unanimous consent for a leave of absence for part of today's session for Representatives Kleefisch and Petersen. Granted.

Representative Staskunas asked unanimous consent for a leave of absence for part of today's session for

Representatives Molepske, Wasserman and A. Williams. Granted.

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### AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 72** offered by Representative Albers.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 72** offered by Representative Nass.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 72** offered by Representative Nass.

Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 72** offered by Representative Nass.

Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 72** offered by Representative Nass.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 32**

Relating to: the lifelong professional and community service achievements and contributions of Joyce A. Bytof of Appleton, Wisconsin.

By Representative Wieckert; cosponsored by Senator Ellis.

To committee on **Rules**.

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### COMMITTEE REPORTS

The committee on **State Affairs** reports and recommends:

#### **Assembly Bill 122**

Relating to: the provision of taste samples of fermented malt beverages and wine on certain retail premises.

Passage:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Young, Toles and Benedict.  
Noes: 0.

To committee on **Rules**.

*KARL VAN ROY*  
Chairperson  
Committee on State Affairs

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## MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

**Assembly Joint Resolution 19**  
**Assembly Joint Resolution 22**

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## CALENDAR OF TUESDAY, MARCH 13

### Assembly Joint Resolution 10

Relating to: the life and public service of David A. Brandemuehl.

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## SPECIAL GUEST

Representative Ott introduced the family of David A. Brandemuehl, including his wife LaRue Brandemuehl, his daughter Rene Wehler and his granddaughter Abigail, who addressed the members from the rostrum.

The question was: Shall **Assembly Joint Resolution 10** be adopted?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 10** be immediately messaged to the Senate. Granted.

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## MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:  
**Senate Joint Resolution 3**

## ACTION ON THE SENATE MESSAGE

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 3** be withdrawn from the Senate message and taken up at this time. Granted.

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## SPECIAL GUEST

At the request of Speaker Huebsch, the family of Captain Rhett W. Schiller joined him at the rostrum.

### Senate Joint Resolution 3

Relating to: the life and military service of Captain Rhett W. Schiller.

By Senator Lazich; cosponsored by Representative Gunderson.

The question was: Shall **Senate Joint Resolution 3** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 3** be immediately messaged to the Senate. Granted.

Representative Wasserman asked unanimous consent that his leave of absence be lifted. Granted.

Representative A. Williams asked unanimous consent that her leave of absence be lifted. Granted.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 32** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

### Assembly Joint Resolution 32

Relating to: the lifelong professional and community service achievements and contributions of Joyce A. Bytof of Appleton, Wisconsin.

The question was: Shall **Assembly Joint Resolution 32** be adopted?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 32** be immediately messaged to the Senate. Granted.

Representative Molepske asked unanimous consent that his leave of absence be lifted. Granted.

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## MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:  
**Senate Joint Resolution 18**

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## ACTION ON THE SENATE MESSAGE

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 18** be withdrawn from the Senate message and taken up at this time. Granted.

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## SPECIAL GUEST

At the request of Speaker Huebsch, the family of United States Army Private First Class Evan Bixler joined him at the rostrum.

### Senate Joint Resolution 18

Relating to: the life and military service of United States Army Private First Class Evan Bixler.

By Senator Lehman; cosponsored by Representatives Mason, Turner and Vos.

The question was: Shall **Senate Joint Resolution 18** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 18** be immediately messaged to the Senate. Granted.

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Representative Honadel asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

11:58 A.M.

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## RECESS

4:58 P.M.

The Assembly reconvened.

Speaker Pro Tempore Gottlieb in the chair.

Representative Gundrum asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative Kleefisch asked unanimous consent that his leave of absence be lifted. Granted.

Representative Petersen asked unanimous consent that his leave of absence be lifted. Granted.

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## MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

**Senate Joint Resolution 9**

**Senate Joint Resolution 23**

Passed and asks concurrence in:

**Senate Bill 14**

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## ACTION ON THE SENATE MESSAGE

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 9** be withdrawn from the Senate message and taken up at this time. Granted.

### Senate Joint Resolution 9

Relating to: the 2016 Olympic Games being held in Chicago.

By Senators Plale, Breske, Darling, Coggs, Roessler, Miller, Sullivan, Carpenter, Wirsch, Risser, Lassa and Lazich; cosponsored by Representatives Kreuser, Zepnick, Kleefisch, Richards, Montgomery, Sinicki, Newcomer, Berceau, A. Ott, Schneider, Stone, Sheridan, Jeskewitz, Ziegelbauer, Vos, Pocan, Petrowski, Hebl, Lothian, Turner, M. Williams, Boyle, Tauchen, Molepske, Hines, Fields, Hahn, Shilling, Honadel, Steinbrink and Black.

The question was: Shall **Senate Joint Resolution 9** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 9** be immediately messaged to the Senate. Granted.

### Assembly Joint Resolution 25

Relating to: the 2016 Olympic Games being held in Chicago.

Representative J. Fitzgerald asked unanimous consent that **Assembly Joint Resolution 25** be laid on the table. Granted.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 23** be withdrawn from the Senate message and taken up at this time. Granted.

### Senate Joint Resolution 23

Relating to: commending Jolene Anderson, member of the University of Wisconsin–Madison Badger women's basketball team, for her athletic achievements.

By Senators Jauch, Lazich, Miller, Erpenbach, Roessler, Wirsch, Olsen, Risser and Darling; cosponsored by

Representatives Sherman, Travis, Jeskewitz, Ziegelbauer, Hebl, Kerkman, Hahn, Berceau, Petrowski, Mursau, Boyle and Sinicki.

The question was: Shall **Senate Joint Resolution 23** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 23** be immediately messaged to the Senate. Granted.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 14** be withdrawn from the Senate message and taken up at this time. Granted.

#### **Senate Bill 14**

Relating to: providing loans to persons who are paying more property taxes as a result of the Department of Revenue's error in calculating equalized value and making an appropriation.

By Senators Erpenbach, Miller, Risser and Schultz; cosponsored by Representatives Davis, Hebl, Pocan, Travis, Berceau, Gronemus, Gundrum, Jeskewitz, Kleefisch, F. Lasee, Nerison, Owens, Pridemore, Suder, Vos, Wood and Kestell.

The question was: Shall **Senate Bill 14** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 14** be given a third reading. Granted.

The question was: **Senate Bill 14** having been read three times, shall the bill be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 14** be immediately messaged to the Senate. Granted.

#### **Assembly Bill 20**

Relating to: providing loans to persons who are paying more property taxes as a result of the Department of Revenue's error in calculating equalized value and making an appropriation.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 20** be laid on the table. Granted.

#### **Assembly Bill 36**

Relating to: grants for catastrophic damage caused to urban forests.

The question was: Shall **Assembly Bill 36** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 36** be given a third reading. Granted.

The question was: **Assembly Bill 36** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 36** be immediately messaged to the Senate. Granted.

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### **MESSAGE FROM THE SENATE**

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

**Senate Bill 39**

Concurred in:

**Assembly Joint Resolution 32**

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### **ACTION ON THE SENATE MESSAGE**

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 39** be withdrawn from the Senate message and taken up at this time. Granted.

#### **Senate Bill 39**

Relating to: authorizing the secretary of administration to lapse moneys from appropriation accounts and transfer moneys between funds during the 2006–07 fiscal year, affecting position authorizations for certain state agencies, requiring the secretary of administration to lapse or transfer moneys to the general fund related to unfunded retirement liability debt service, and making appropriations.

By joint committee on Finance, by request of Governor James E. Doyle.

Assembly amendment 1 to **Senate Bill 39** offered by Representative Nass.

The question was: Shall Assembly amendment 1 to **Senate Bill 39** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Boyle, Friske, Hraychuck, Hubler, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Molepske, Mursau, Nass, Nygren, Owens, Petersen, Pridemore, Roth, Schneider, Sherman, Shilling, Tauchen, Vruwink, Vukmir, Wood, Ziegelbauer and Zipperer – 27.

Noes – Representatives Ballweg, Benedict, Berceau, Bies, Black, Colon, Cullen, Davis, Fields, J. Fitzgerald, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson,

Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kreuser, Krusick, Mason, Meyer, Montgomery, Moulton, Murtha, Musser, Nelson, Nerison, Newcomer, A. Ott, J. Ott, Parisi, Petrowski, Pocan, Pope–Roberts, Rhoades, Richards, Seidel, Sheridan, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick and Speaker Huebsch – 72.

Absent or not voting – None.

Motion failed.

Assembly amendment 2 to **Senate Bill 39** offered by Representative Nass.

Representative J. Fitzgerald moved that Assembly amendment 2 to **Senate Bill 39** be laid on the table.

The question was: Shall Assembly amendment 2 to **Senate Bill 39** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kreuser, Krusick, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nelson, Nerison, Newcomer, A. Ott, J. Ott, Parisi, Petrowski, Pocan, Pope–Roberts, Rhoades, Richards, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Wieckert, A. Williams, M. Williams, Young, Zepnick and Speaker Huebsch – 78.

Noes – Representatives Albers, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Mason, Meyer, Nass, Nygren, Owens, Petersen, Pridemore, Roth, Schneider, Strachota, Vukmir, Wasserman, Wood, Ziegelbauer and Zipperer – 21.

Absent or not voting – None.

Motion carried.

Assembly amendment 3 to **Senate Bill 39** offered by Representative Nass.

Representative J. Fitzgerald moved that Assembly amendment 3 to **Senate Bill 39** be laid on the table.

The question was: Shall Assembly amendment 3 to **Senate Bill 39** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz,

Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kreuser, Krusick, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nelson, Nerison, A. Ott, J. Ott, Owens, Parisi, Petrowski, Pocan, Pope–Roberts, Rhoades, Richards, Roth, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick and Speaker Huebsch – 85.

Noes – Representatives Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Nass, Newcomer, Nygren, Petersen, Pridemore, Vukmir, Wood, Ziegelbauer and Zipperer – 14.

Absent or not voting – None.

Motion carried.

Assembly amendment 4 to **Senate Bill 39** offered by Representative Nass.

Representative J. Fitzgerald moved that Assembly amendment 4 to **Senate Bill 39** be laid on the table.

The question was: Shall Assembly amendment 4 to **Senate Bill 39** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kreuser, Krusick, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nelson, Nerison, Newcomer, A. Ott, J. Ott, Parisi, Petrowski, Pocan, Pope–Roberts, Rhoades, Richards, Roth, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Huebsch – 86.

Noes – Representatives Albers, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Nass, Nygren, Owens, Petersen, Pridemore, Vukmir and Zipperer – 13.

Absent or not voting – None.

Motion carried.

Assembly amendment 5 to **Senate Bill 39** offered by Representative Albers.

Representative Albers asked unanimous consent that Assembly amendment 5 to **Senate Bill 39** be withdrawn and returned to the author. Granted.

The question was: Shall **Senate Bill 39** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 39** be given a third reading. Granted.

The question was: **Senate Bill 39** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Benedict, Berceau, Bies, Black, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Kreuser, Krusick, Lothian, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nelson, Nerison, Newcomer, A. Ott, J. Ott, Owens, Parisi, Petrowski, Pocan, Pope–Roberts, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick and Speaker Huebsch – 85.

Noes – Representatives Boyle, Hubler, Kramer, F. Lasee, LeMahieu, Nass, Nygren, Petersen, Pridemore, Roth, Vukmir, Wood, Ziegelbauer and Zipperer – 14.

Absent or not voting – None.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 39** be immediately messaged to the Senate. Granted.

### Assembly Bill 72

Relating to: authorizing the secretary of administration to lapse moneys from appropriation accounts and transfer moneys between funds during the 2006–07 fiscal year, affecting position authorizations for certain state agencies, requiring the secretary of administration to lapse or transfer moneys to the general fund related to unfunded retirement liability debt service, and making appropriations.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 72** be laid on the table. Granted.

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## VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

College Democrats from the University of Wisconsin-Whitewater, guests of Representative Hixson.

Zachary James Vruwink, a student from the University of Wisconsin-Stevens Point, nephew and guest of Representative Vruwink.

Students from McFarland High School accompanied by their teacher, Audrey Damon-Wynn, guests of Representative Parisi.

His wife Terrie and daughter Jessica, guests of Representative Murtha.

Ashley Van Dien from Baldwin, guest of Representative Murtha.

Students from the 38th Street School in Milwaukee, guests of Representative Grigsby.

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## ANNOUNCEMENTS

Representative Berceau asked unanimous consent that the Assembly adjourn in memory of her father, Roman Berceau, who passed away on March 3. Granted.

Representative Richards asked unanimous consent that the Assembly adjourn in memory of Cheryl Schuyler, who passed away recently. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of the Sun Prairie High School Varsity Pom/Dance Team, who placed 1st at State for their funk routine; 1st place (National Champs) in the medium-size team hip hop category, and also first place overall in all size hip hop categories combined. Granted.

Representative Zepnick asked unanimous consent that the Assembly adjourn in honor of the Rufus King High School Boys Basketball Team who earned a trip to the WIAA State Basketball Tournament. Granted.

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## ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, March 15.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

5:44 P.M.